



Reprinted
February 4, 2014

SENATE BILL No. 385

DIGEST OF SB 385 (Updated February 3, 2014 4:22 pm - DI 75)

Citations Affected: IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12; IC 3-13; IC 6-8.1; IC 9-24; IC 12-15.

Synopsis: Voter registration; absentee voting. Changes election law as follows: (1) Permits the election division to provide voter registration information from the statewide voter registration system (system) without charge to the clerks of the United States District Courts for the Northern and Southern Districts of Indiana. (2) Amends online voter registration procedures. (3) Provides that an individual knowingly making a false statement about a voter identification number on a poll list commits a Level 6 felony. (4) Permits a county voter registration office (office) to provide precinct inspectors a scanned copy of a more recent signature of a voter than the signature on the voter's original registration. (5) Exempts precinct officials, a county voter registration office, and various other agencies taking custody of voter registration forms from "chain of custody" documentation. (6) Specifies efforts officials must make to obtain information missing on voter registration forms; (7) Permits an office to send an address confirmation notice to an active voter who may no longer reside at the address shown on the voter's registration record if the county sends a similar notice to voters when a boundary or polling place is changed. (8) Sets requirements for mailings for the statewide voter registration residency confirmation outreach project. (9) Provides a method for a voter to update information in the voter's registration record in a county using electronic poll books. (10) Requires officials to request information
(Continued next page)

Effective: Upon passage; July 1, 2014.

Miller Pete, Miller Patricia, Arnold J

January 14, 2014, read first time and referred to Committee on Elections.
January 27, 2014, amended, reported favorably — Do Pass.
February 3, 2014, read second time, amended, ordered engrossed.

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from various public sources to update voter registration records. (11) Provides that a family and social services administration office (FSSA) providing Medicaid services has the same deadlines to transmit voter registration applications as other FSSA offices. (12) Specifies how a person having a power of attorney for a voter may assist the voter with absentee voting. (13) Clarifies the timeline for a county voter registration office to cancel the record of inactive voters who have failed to voter or appear to vote at the address on the registration record. (14) Specifies that the inspector (rather than two judges) marks the poll list in the presence of the poll clerks to indicate that a voter has voted by absentee ballot in a precinct. (15) Requires a county to adopt procedures concerning the security of absentee ballots cast on an electronic voting system. (16) Permits a vote center plan to provide that vote centers not be used in municipal elections in some or all small towns in a county. (17) Updates provisions concerning the location of challengers within a polling place. (18) Specifies the retention requirements for data on recording units used in direct record electronic voting systems. (19) Specifies that the county voter registration office is required to update voter registration records using information contained on a poll list returned after election day. (20) Requires a board to enter into the system certain information regarding provisional ballots. (21) Provides a procedure to reconcile the number of signatures on poll lists with the number of votes cast in a precinct where the majority of ballots are cast by electronic voting system. (22) Repeals obsolete provisions concerning voter registration forms, county National Voter Registration Act implementation plans, absentee voting in the county clerk's office, certificates of error, and hand counted paper ballots. (23) Makes conforming amendments and technical corrections.



Reprinted
February 4, 2014

Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

SENATE BILL No. 385

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-5-2-20.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: **Sec. 20.5. "Electronic poll book" means the**
4 **combination of mechanical, electromechanical, and electronic**
5 **equipment (including the software, firmware, and documentation**
6 **required to program, control, and support the equipment) that is**
7 **used to access and maintain the electronic poll list.**
8 SECTION 2. IC 3-5-2-20.7 IS ADDED TO THE INDIANA CODE
9 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: **Sec. 20.7. "Electronic poll list" means a poll list**
11 **that is maintained in a computer data base.**
12 SECTION 3. IC 3-5-2-47.5, AS ADDED BY P.L.258-2013,
13 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 UPON PASSAGE]: **Sec. 47.5. "Signing the poll list" means:**

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(1) a voter writing the voter's name on the certified list of registered voters for the precinct prepared in accordance with IC 3-7-29-1; or

(2) a voter writing the voter's name on an electronic poll ~~list~~ **book** using an electronic signature pad, tablet, or other signature capturing device at a polling place, office of the circuit court clerk (under IC 3-11-10-26), or satellite office (as established under IC 3-11-10-26.3) where the use of an electronic poll ~~list~~ **book** is authorized in accordance with IC 3-7-29-6.

SECTION 4. IC 3-5-2-49.7 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION** TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 49.7. "Unknown or insufficient address" refers to an address on a mailing returned by the United States Postal Service with one (1) or more of substantially the following statements made on the mailing by the United States Postal Service or a person residing at the address to which the mailing was sent:**

- (1) Attempted-Not Known.
- (2) Box Closed.
- (3) Deceased.
- (4) Forwarding time expired.
- (5) Insufficient Address.
- (6) Left No Address.
- (7) Moved.
- (8) No such number.
- (9) No such office in state.
- (10) No such street.
- (11) Not deliverable as addressed.
- (12) Refused.
- (13) Returned for better address.
- (14) Returned to sender.
- (15) Unable to forward.
- (16) Unclaimed.
- (17) Undeliverable as addressed.
- (18) Vacant.

SECTION 5. IC 3-6-4.2-12, AS AMENDED BY P.L.221-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 12. The election division shall do the following:

- (1) Maintain complete and uniform descriptions and maps of all precincts in Indiana.
- (2) Promptly update the information required by subdivision (1) after each precinct establishment order is filed with the commission under IC 3-11-1.5.



(3) Issue media watcher cards under IC 3-6-10-6.

~~(4) Prepare and transfer to the department of state revenue voter registration affidavits for inclusion in state adjusted gross income tax booklets under IC 6-8.1-3-19.~~

~~(5)~~ (4) Serve in accordance with 42 U.S.C. 1973ff-1(b) as the office in Indiana responsible for providing information regarding voter registration procedures and absentee ballot procedures to absent uniformed services voters and overseas voters.

~~(6)~~ (5) As required by 42 U.S.C. 1973ff-1(c), submit a report to the federal Election Assistance Commission not later than ninety (90) days after each general election setting forth the combined number of absentee ballots:

(A) transmitted to absent uniformed services voters and overseas voters for the election; and

(B) returned by absent uniformed services voters and overseas voters and cast in the election.

~~(7)~~ (6) Implement the state plan in accordance with the requirements of HAVA (42 U.S.C. 15401 through 15406) and this title, and appoint members of the committee established under 42 U.S.C. 15405.

~~(8)~~ (7) Submit reports required under 42 U.S.C. 15408 to the federal Election Assistance Commission concerning the use of federal funds under Title II, Subtitle D, Part I of HAVA.

SECTION 6. IC 3-7-23 IS REPEALED [EFFECTIVE JULY 1, 2014]. (Voter Registration and Indiana Income Tax Returns).

SECTION 7. IC 3-7-24-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 11. (a) Each office of a political subdivision that:

(1) has significant contact with the public; and

(2) is not otherwise designated as a voter registration site under this article;

is a distribution site for registration by mail forms.

(b) The county election board of the county in which the greatest percentage of ~~the~~ population of the political subdivision is located shall determine if an office has significant contact with the public for purposes of this section.

~~(c) A county election board shall include a list of all sites designated under this section in the county election board's NVRA implementation report.~~

SECTION 8. IC 3-7-26.4-6, AS ADDED BY P.L.81-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. Upon request, and not later than five (5)



days after the request is filed with the election division, the election division shall provide a complete compilation of the voter registration information contained in the computerized list, including any format information or other information necessary to decode the data, to any of the following entities:

- (1) The state committee of a major political party.
- (2) The state organization of a bona fide political party that is not a major political party if the party has at least two (2) candidates on the ballot in the next election.
- (3) The committee of an independent candidate for federal or state office if the candidate is on the ballot in the next general election.
- (4) A member of the media for publication in a news broadcast or newspaper.
- (5) The chief justice of the supreme court, for purposes of state administration of a jury management system.

(6) The clerk of the:

(A) United States District Court for the Northern District of Indiana; and

(B) United States District Court for the Southern District of Indiana;

for purposes of administration of a jury management system.

(7) Each of the following:

- (A) The speaker of the house of representatives.
- (B) The minority leader of the house of representatives.
- (C) The president pro tempore of the senate.
- (D) The minority leader of the senate.

SECTION 9. IC 3-7-26.4-12, AS AMENDED BY P.L.258-2013, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section does not apply to the chief justice of the supreme court, **the clerk of the United States District Court for the Northern District of Indiana, the clerk of the United States District Court for the Southern District of Indiana**, or to a person described by section 8 of this chapter.

(b) Notwithstanding IC 5-14-3-8, the election division shall charge each person described by section 6 of this chapter an annual subscription fee of five thousand dollars (\$5,000) to receive the following:

- (1) A complete compilation of the voter registration information contained in the computerized list.
- (2) Updates of the voter registration information made during the year covered by the fee.
- (c) A subscription to the statewide voter registration system



1 information expires on the first January 1 following the payment of the
2 subscription fee.

3 SECTION 10. IC 3-7-26.7-6, AS ADDED BY P.L.120-2009,
4 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 UPON PASSAGE]: Sec. 6. (a) When an applicant submits an
6 application described in section 5(b)(1) of this chapter by use of the
7 secure Internet web site established under this chapter, the bureau shall
8 compare the information submitted by the applicant with the
9 information maintained in the bureau's data base listing individuals
10 who possess a current and valid Indiana:

- 11 (1) driver's license; or
- 12 (2) identification card for nondrivers.

13 (b) If the bureau confirms that the applicant possesses a current and
14 valid:

- 15 (1) Indiana driver's license issued under IC 9-24; or
- 16 (2) Indiana identification card for nondrivers issued under
17 IC 9-24-16;

18 the completed application and information compiled by the bureau
19 (including the digital signature of the applicant) shall be submitted to
20 the county voter registration office in the county in which the applicant
21 currently resides using the computerized statewide voter registration
22 list maintained under IC 3-7-26.3.

23 (c) If the bureau is unable to confirm that the applicant possesses a
24 current and valid:

- 25 (1) Indiana driver's license issued under IC 9-24; or
- 26 (2) Indiana identification card for nondrivers issued under
27 IC 9-24-16;

28 the bureau shall send the application submitted by the applicant and
29 information indicating that the bureau cannot confirm that the applicant
30 possesses a current and valid Indiana driver's license or identification
31 card to the county voter registration office in the county shown on the
32 application. The county voter registration office shall send a notice to
33 the applicant that the applicant's application cannot be processed
34 because the bureau cannot confirm that the applicant possesses a
35 current and valid Indiana driver's license or identification card. The
36 county voter registration office shall send the notice to the applicant at
37 the electronic address from which the applicant submitted the
38 application and at the mailing address provided in the application. web
39 site must display a message advising the applicant to review and
40 correct all errors, and that there was an error validating the
41 driver's license or identification card entered by the applicant. The
42 web site may not permit the applicant to continue the registration



process unless the bureau is able to confirm that the number entered belongs to an individual.

SECTION 11. IC 3-7-29-1, AS AMENDED BY P.L.258-2013, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. (a) Except as provided in subsection (f), this section does not apply to a county that:

- (1) has adopted an order under section 6 of this chapter; or
- (2) is a vote center county under IC 3-11-18.1.

(b) Not later than ten (10) days before the election at which the registration record is to be used, the county voter registration office shall prepare certified copies of the list of registered voters for each precinct in the county.

(c) The lists must contain the following information concerning each registered voter:

- (1) The full name of the voter.
- (2) The address of the voter.
- (3) The assigned voter identification number.
- (4) Whether the voter is required to provide additional identification before voting either in person or by absentee ballot.
- (5) The date of birth of the voter, including an indication whether the voter is less than eighteen (18) years of age for a poll list used in a primary election.
- (6) The scanned signature of the voter.
- (7) Whether the voter is required to provide an affirmation of the voter's residence.
- (8) A bar code that allows the county voter registration office to efficiently record whether the voter has signed the poll list.
- (9) For a poll list used in a primary election, a letter abbreviation of the name of the major political party whose ballot the voter has requested.
- (10) A space for a poll clerk to indicate when a voter has cast an absentee ballot.
- (11) A space for a poll clerk to indicate when a voter has cast a provisional ballot.
- (12) For a voter required to submit additional documentation required under IC 3-7-33-4.5, a space for a poll clerk to insert letters serving as an abbreviation for the type of documentation provided by the voter.

(d) The names shall be arranged in the same order as they are in the registration record of the precinct.

(e) The poll list must also contain a statement at the top of each page indicating that an individual who knowingly makes a false



statement:

(1) by signing a poll list; or

(2) on a poll list concerning the individual's name, **voter identification number**, or residence address;

commits a ~~Class D~~ **Level 6** felony as provided by IC 3-14-2-11.

(f) This subsection applies to a county that has adopted an order under section 6 of this chapter or is a vote center county under IC 3-11-18.1. The precinct election board shall post in a location within the precinct or vote center a notice that:

(1) is clearly visible to an individual (or to an individual providing assistance under IC 3-11-9) who is providing information to a precinct election officer using an electronic poll list; **book**; and

(2) indicates that an individual commits a ~~Class D~~ **Level 6** felony under IC 3-14-2-11, if the individual knowingly makes a false statement to a precinct election officer concerning:

(A) the individual's name; ~~or~~

(B) the individual's voter identification number; or

~~(B)~~ **(C) the individual's residence address.**

SECTION 12. IC 3-7-29-4, AS AMENDED BY P.L.271-2013, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) This section does not apply to a county that:

(1) has adopted an order under section 6 of this chapter; or

(2) is a vote center county under IC 3-11-18.1.

(b) The county voter registration office may also provide the inspector of each precinct in the county with a scanned copy of the signature on the affidavit of registration **(or a more recent signature of the voter from an absentee application, poll list, or registration document)** of each voter of the precinct for the comparison of signatures under IC 3-10-1-24.6 or IC 3-11-8-25.1.

SECTION 13. IC 3-7-29-6, AS ADDED BY P.L.258-2013, SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) If a county election board adopts an order to provide an electronic poll list **book** to the inspector for use at a polling place, an office of the circuit court clerk (under IC 3-11-10-26), or at a satellite office established under IC 3-11-10-26.3, electronic poll lists ~~may~~ **books shall** be used at an election (rather than certified poll lists prepared under this chapter) in all precincts in which the election is to be conducted.

(b) An order adopted under subsection (a) must require the use of an electronic signature (as defined in IC 26-2-8-102) to sign an electronic poll list **book** at an election (rather than requiring voters to



sign certified poll lists prepared under this chapter).

(c) The county voter registration office shall download the information required to be available on an electronic poll list book before the electronic poll list is delivered and installed as required by IC 3-11-3-11(b).

(d) An electronic poll book used in a polling place, the office of a circuit court clerk under IC 3-11-10-26, or a satellite office established under IC 3-11-10-26.3, under an order adopted under subsection (a) must:

(1) comply with IC 3-11-8-10.3; and

(2) be approved by the secretary of state in accordance with the procedures set forth in IC 3-11-18.1-12.

SECTION 14. IC 3-7-32-8, AS ADDED BY P.L.258-2013, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) This section does not apply to a voter registration application received by any of the following:

(1) An employee of a license branch:

(A) acting in accordance with IC 3-7-14; or

(B) who voluntarily:

(i) receives an application for voter registration by mail; and

(ii) forwards the application to a county voter registration office as part of the license branch's transmittal of other applications under IC 3-7-14.

(2) An employee of a public assistance agency:

(A) acting in accordance with IC 3-7-15; or

(B) who voluntarily:

(i) receives an application for voter registration by mail; and

(ii) forwards the application to a county voter registration office as part of the agency's transmittal of other applications under IC 3-7-15.

(3) An employee of an agency serving persons with disabilities:

(A) acting in accordance with IC 3-7-16; or

(B) who voluntarily:

(i) receives an application for voter registration by mail; and

(ii) forwards the application to a county voter registration office as part of the agency's transmittal of other applications under IC 3-7-16.

(4) An employee of an office designated under IC 3-7-18:

(A) acting in accordance with that chapter; or



- 1 **(B) who voluntarily:**
- 2 **(i) receives an application for voter registration by mail;**
- 3 **and**
- 4 **(ii) forwards the application to a county voter**
- 5 **registration office as part of the office's transmittal of**
- 6 **other applications under IC 3-7-18.**
- 7 (5) An employee of an office designated under IC 3-7-19:
- 8 **(A) acting in accordance with that chapter; or**
- 9 **(B) who voluntarily:**
- 10 **(i) receives an application for voter registration by mail;**
- 11 **and**
- 12 **(ii) forwards the application to a county voter**
- 13 **registration office as part of the office's transmittal of**
- 14 **other applications under IC 3-7-19.**
- 15 (6) An employee of the office of the department of employment
- 16 and training services:
- 17 **(A) acting in accordance with IC 3-7-20.5; or**
- 18 **(B) who voluntarily:**
- 19 **(i) receives an application for voter registration by mail;**
- 20 **and**
- 21 **(ii) forwards the application to a county voter**
- 22 **registration office as part of the office's transmittal of**
- 23 **other applications under IC 3-7-20.5.**
- 24 (7) An employee of the United States Postal Service or a bonded
- 25 courier company, acting in the individual's capacity as an
- 26 employee of the United States Postal Service or a bonded courier
- 27 company.
- 28 (8) A member of the applicant's household.
- 29 (9) An applicant's attorney in fact under IC 30-5-5-14.
- 30 (10) The election division acting in accordance with
- 31 IC 3-7-33-3.7.
- 32 (11) A state agency or county voter registration office receiving
- 33 an application through the online voter registration system under
- 34 IC 3-7-26.7.
- 35 **(12) A precinct election officer acting in the officer's official**
- 36 **capacity under IC 3-6-6.**
- 37 **(13) A county voter registration officer acting in accordance**
- 38 **with IC 3-7.**
- 39 (b) ~~After December 31, 2013;~~ A person who receives a completed
- 40 application form shall file the application with the appropriate county
- 41 voter registration office or the election division not later than:
- 42 (1) noon ten (10) days after the person receives the application;



1 or
 2 (2) the deadline set by state law for filing the application with the
 3 county voter registration office;
 4 whichever occurs first.

5 (c) If a person receives a completed voter registration application
 6 that the person has reason to believe is materially false, fictitious, or
 7 fraudulent, the person shall deliver the application to the appropriate
 8 county election board not later than the deadline set forth in subsection
 9 (b), with a statement sworn or affirmed to under the penalties for
 10 perjury, setting forth the reasons why the person believes the
 11 application may be materially false, fictitious, or fraudulent. The
 12 county election board shall act under IC 3-6-5-31 to determine if a
 13 violation of election law has occurred.

14 SECTION 15. IC 3-7-33-5, AS AMENDED BY P.L.14-2013,
 15 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 UPON PASSAGE]: Sec. 5. (a) **This subsection does not apply to a**
 17 **voter who indicates:**

- 18 **(1) under IC 3-7-39-7 or on an absentee application submitted**
 19 **under IC 3-11-4 that the voter has changed the voter's**
 20 **residence to an address within the same precinct where the**
 21 **voter's former address was located; or**
 22 **(2) under IC 3-7-41 or an absentee application submitted**
 23 **under IC 3-11-4 that the voter has changed the voter's name.**

24 When the county voter registration office receives an application for a
 25 new registration or an application with information that revises or adds
 26 information to the applicant's current voter registration record, the
 27 county voter registration office shall determine if the applicant appears
 28 to be eligible to register to vote based on the information in the
 29 application.

30 (b) As required under 42 U.S.C. 1973gg-6(a)(2), the county voter
 31 registration office shall send a notice to each person from whom the
 32 county voter registration office receives a voter registration application.
 33 The county voter registration office shall send a notice to the applicant
 34 at the mailing address provided in the application.

35 (c) The notice required by subsection (b) must set forth the
 36 following:

- 37 (1) A statement that the application has been received.
 38 (2) The disposition of the application by the county voter
 39 registration office.
 40 (3) If the county voter registration office determines that the
 41 applicant appears to be eligible, the notice must state the
 42 following:



- 1 (A) Except as provided under subsection (g), the applicant is
 2 registered to vote under the residence address when the
 3 applicant receives the notice. An applicant is presumed to
 4 have received the notice unless the notice is returned by the
 5 United States Postal Service due to an unknown or insufficient
 6 address and received by the county voter registration office not
 7 later than seven (7) days after the notice is mailed to the
 8 applicant.
- 9 (B) The name of the precinct in which the voter is registered.
- 10 (C) The address of the polling place for the precinct in which
 11 the voter is registered.
- 12 (4) In accordance with 42 U.S.C. 1973ff-1(d), if the county voter
 13 registration office has denied the application, the notice must
 14 include the reasons for the denial.
- 15 (d) The notice required by subsection (b) may not include a voter
 16 identification number.
- 17 (e) The notice required by subsection (b) may include a voter
 18 registration card.
- 19 (f) If the notice is returned by the United States Postal Service due
 20 to an unknown or insufficient address, the county voter registration
 21 office shall determine that the applicant is ineligible and deny the
 22 application.
- 23 (g) During the seven (7) days following the mailing of the notice to
 24 the voter under this section, the county voter registration office shall
 25 indicate in the computerized list maintained under IC 3-7-26.3 that the
 26 application is pending. If the notice:
- 27 (1) is not returned by the United States Postal Service and
 28 received by the county voter registration office at; or
 29 (2) is received by the applicant by United States Postal Service
 30 delivery and presented in person by the applicant to the county
 31 voter registration office before;
- 32 the expiration of the seven (7) day period under subsection (c), the
 33 county voter registration office shall indicate in the computerized list
 34 that the applicant is a registered voter.
- 35 (h) This subsection applies if the notice is mailed by the county
 36 voter registration office after the certified list is prepared under
 37 IC 3-7-29. If:
- 38 (1) the seven (7) day period under subsection (c) expires before
 39 election day;
- 40 (2) the applicant has not presented the notice mailed under
 41 subsection (b) to the county voter registration office as provided
 42 under subsection (g); and



- 1 (3) the applicant would otherwise have been included on the
 2 certified list;
 3 the county voter registration office shall prepare a certificate of error
 4 under IC 3-7-48 to note the addition of the voter to the certified list.
 5 (i) This subsection applies if the notice is mailed by the county voter
 6 registration office after the certified list is prepared under IC 3-7-29. If:
 7 (1) the seven (7) day period has not expired before election day;
 8 and
 9 (2) the applicant has not presented the notice mailed under
 10 subsection (b) to the county voter registration office as provided
 11 under subsection (g);
 12 the county voter registration office shall notify the county election
 13 board. The county election board shall certify to the inspector of the
 14 precinct where the applicant resides that the applicant's voter
 15 registration application is pending, and that the voter, subject to
 16 fulfilling the requirements of IC 3-11.7, is entitled to cast a provisional
 17 ballot.
 18 SECTION 16. IC 3-7-34-1.5, AS ADDED BY P.L.258-2013,
 19 SECTION 56, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 UPON PASSAGE]: Sec. 1.5. (a) For purposes of this chapter, a
 21 registration form is "incomplete" if the applicant does not provide any
 22 of the following:
 23 (1) The name of the applicant.
 24 (2) The residence address of the applicant (other than the ZIP
 25 code).
 26 (3) The mailing address of the applicant (other than the ZIP code),
 27 unless the applicant provides a residence address at which United
 28 States Postal Service mail delivery for the applicant can be
 29 received.
 30 (4) The date of birth of the applicant.
 31 (5) The voter identification number of the applicant or a statement
 32 that the applicant has no voter identification number.
 33 (6) The applicant's response to the question, "Are you a citizen of
 34 the United States of America?".
 35 (7) The applicant's response to the question, "Will you be at least
 36 eighteen (18) years of age on or before election day?".
 37 (8) A map, **description**, or diagram ~~of sufficient to permit~~
 38 **locating** the voter's residence (if the applicant has no residence
 39 address with a street number or name included on this
 40 application).
 41 (9) The signature of the applicant to the statement swearing or
 42 affirming that:



- 1 (A) the applicant meets the requirements for approval of the
- 2 application;
- 3 (B) the information and all other statements on the application
- 4 are true; and
- 5 (C) the applicant understands if the applicant signs the
- 6 statement knowing that the statement is not true, the applicant
- 7 is committing perjury, and understands the penalties for
- 8 committing perjury.

9 (b) For purposes of this chapter, a registration form is "incomplete"
 10 if a person who received a completed application from the applicant
 11 does not provide any of the following:

- 12 (1) The name and residence address of the individual who
- 13 received the application.
- 14 (2) The date on which the individual received the application
- 15 from the applicant.
- 16 (3) The signature of the individual certifying this information.

17 SECTION 17. IC 3-7-34-4, AS AMENDED BY P.L.81-2005,
 18 SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 19 UPON PASSAGE]: Sec. 4. **(a) This section does not apply to an**
 20 **absent uniformed services voter who submits a registration**
 21 **application less than ten (10) days before the election under**
 22 **IC 3-7-36.**

23 **(b) Not later than the date the county is required to prepare a**
 24 **certified list of voters under IC 3-7-29-1, ten (10) days before the**
 25 **election**, the county voter registration office shall certify to the county
 26 election board a list of the registration forms that remain incomplete
 27 after the effort made under section 2 of this chapter and that do not
 28 permit the county voter registration office to determine if the applicant
 29 is eligible to register under this article. Upon certification, the county
 30 voter registration office shall reject the applications.

31 SECTION 18. IC 3-7-34-4.5, AS ADDED BY P.L.219-2013,
 32 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 33 UPON PASSAGE]: Sec. 4.5. (a) This section applies to an application
 34 that is incomplete under section 1.5(b) of this chapter.

35 (b) If the application contains all the information required to be
 36 supplied by the voter, but does not include:

- 37 (1) information required to be supplied by an individual who
- 38 received the completed application from the voter; or
- 39 (2) the signature of that individual;

40 the county voter registration office shall promptly make one (1) effort
 41 to contact the individual who received the completed application from
 42 the voter, if possible, and one (1) effort to contact the voter to obtain



1 the missing information or the signature in the case of the individual
 2 who received the completed application from the voter. **For purposes**
 3 **of this subsection, "effort" refers to the activities described in**
 4 **section 2(b) of this chapter.**

5 (c) The county voter registration office shall process the application
 6 under this article if the county voter registration office:

7 (1) obtains the information or signature; or

8 (2) cannot obtain the information or signature of the individual
 9 who had custody of the application and the application is
 10 otherwise complete.

11 (d) In determining the eligibility of the applicant, the county voter
 12 registration office may not reject the application solely on the ground
 13 that the individual who received the completed application from the
 14 voter failed to complete the application with the information or
 15 signature described in section 1.5(b) of this chapter. However, the
 16 county voter registration office shall, not later than three (3) days after
 17 receipt of the application, provide notice of the failure to properly
 18 complete the application to the county election board for appropriate
 19 action under IC 3-6-5-31.

20 SECTION 19. IC 3-7-34-5, AS AMENDED BY P.L.164-2006,
 21 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 22 UPON PASSAGE]: Sec. 5. (a) If a registration form contains all of the
 23 information required to be supplied by the voter, but does not include
 24 the information required to be supplied by the bureau of motor vehicles
 25 commission, ~~or a voter registration agency~~, the county voter
 26 registration office shall promptly make one (1) effort to contact the
 27 ~~officer~~, commission ~~or agency~~ to obtain the information.

28 (b) If the information is not obtained from the ~~officer~~, commission
 29 ~~or agency~~ under subsection (a) not later than seven (7) days after the
 30 county voter registration office provides the notice, the county voter
 31 registration office shall notify the NVRA official. The NVRA official
 32 shall contact the ~~officer~~, commission ~~or agency~~ to request that the
 33 information be provided to the county voter registration office or that
 34 the ~~officer~~, commission ~~or agency~~ file a statement with the county voter
 35 registration office indicating why the information is not available.

36 SECTION 20. IC 3-7-34-13, AS AMENDED BY P.L.81-2005,
 37 SECTION 28, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 13. (a) If a registration form complies with
 39 section 9(c) of this chapter and is received after the certified list has
 40 been prepared under IC 3-7-29 **or the information required to be**
 41 **available on an electronic poll list has been downloaded onto an**
 42 **electronic poll book for use on election day**, the county voter



1 registration office shall:

- 2 (1) process the form in accordance with IC 3-7-33-5; and
 3 (2) if the registration application is approved, issue a certificate
 4 of error under IC 3-7-48.

5 (b) If a registration form does not comply with section 9(c) of this
 6 chapter, the county voter registration office shall process the form in
 7 accordance with IC 3-7-13-12.

8 SECTION 21. IC 3-7-38.2-2, AS AMENDED BY P.L.258-2013,
 9 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 UPON PASSAGE]: Sec. 2. (a) A voter list maintenance program
 11 conducted under this chapter must:

- 12 (1) be uniform, nondiscriminatory, and in compliance with the
 13 Voting Rights Act of 1965 (42 U.S.C. 1973);
 14 (2) not result in the removal of the name of a person from the
 15 official list of voters solely due to the person's failure to vote; and
 16 (3) be completed not later than ninety (90) days before a primary,
 17 general, or municipal election.

18 (b) A county voter registration office may conduct a voter list
 19 maintenance program that complies with subsection (a). In conducting
 20 a voter list maintenance program, the county voter registration office
 21 shall mail a notice described in subsection (d) to each ~~registered~~ voter
 22 **whose registration has not previously been canceled or designated**
 23 **as inactive under this chapter** at the residence address:

- 24 (1) listed in the voter's registration record; and
 25 (2) determined by the county voter registration office not to be the
 26 voter's current residence address.

27 (c) A county voter registration office may use information only from
 28 the following sources to make the determination under subsection
 29 (b)(2):

- 30 (1) The United States Postal Service National Change of Address
 31 Service.
 32 (2) A court regarding jury duty notices **returned because of an**
 33 **unknown or insufficient address.**
 34 (3) The return of a mailing sent by the county voter registration
 35 office to all active voters (as defined in IC 3-11-18.1-2) in the
 36 county **because of an unknown or insufficient address.**
 37 (4) The bureau of motor vehicles concerning the surrender of a
 38 voter's Indiana license for the operation of a motor vehicle to
 39 another jurisdiction.
 40 (5) **The return by the United States Postal Service after the**
 41 **expiration of the seven (7) day pending period of a notice**
 42 **regarding the disposition of a voter registration application**



under IC 3-7-33-5 because of an unknown or insufficient address.

(6) The return of a mailing sent to voters of a precinct advising voters of a change of precinct boundary or the precinct polling place because of an unknown or insufficient address, if the county sends a similar mailing to the voters of each precinct when a boundary or polling place is changed.

(d) The notice described in subsection (b) must:

(1) be sent by first class United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter; and

(2) include a postage prepaid return card that:

(A) is addressed to the county voter registration office;

(B) states a date (which must be at least thirty (30) days after the date the notice is mailed) by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(e) If a voter returns the card described in subsection (d)(2) and provides a current residence address that establishes that the voter resides:

(1) in the county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(f) If a voter returns the card described in subsection (d)(2) after the final day for completing voter list maintenance activities under section 3 of this chapter, the county voter registration office shall, when registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any update or cancellation of the voter registration record indicated on the card by the voter under subsection (e). If a card is returned as undeliverable due to an unknown or insufficient address by the United States Postal Service after the date specified in subsection (d)(2)(B), the county voter registration office shall, when registration reopens after the next primary, general, or municipal election, **determine whether the voter voted or appeared to vote from the address set forth in the registration record at any election occurring after the final day for completing voter list maintenance activities, and if not, then designate the voter as inactive.**

(g) If a voter does not return the card described in subsection (d)(2)



by the date specified in subsection (d)(2)(B), the county voter registration office shall indicate in the voter's registration record that the voter's registration is inactive.

(h) A voter's registration that becomes inactive under subsection (f) or (g) remains in inactive status from the date described in subsection (d)(2)(B) until the earlier of the following:

(1) The date the county voter registration office updates or cancels the voter's registration under subsection (e) after the voter provides a current residence address.

(2) The day after the second general election in which the voter has not voted or appeared to vote.

(i) After the date described in subsection (h)(2), the county voter registration office shall remove the voter's registration from the voter registration records.

SECTION 22. IC 3-7-38.2-8, AS AMENDED BY P.L.258-2013, SECTION 63, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. At least once each month, the NVRA official shall notify each county voter registration office **of voters within the county** whose residences may have changed according to information supplied under this chapter.

SECTION 23. IC 3-7-38.2-16, AS AMENDED BY P.L.258-2013, SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) During each even-numbered year, the NVRA official shall conduct a residency confirmation and outreach procedure under this chapter. The NVRA official (or a contractor acting on behalf of the NVRA official) ~~may~~ **shall** send a **nonforwardable** mailing by U.S. mail, postage prepaid, to each active voter (as defined in IC 3-11-18.1-2) in Indiana.

(b) The NVRA official shall, not later than January 31 of each **even numbered** year, request information from the:

(1) United States District Court for the Northern District of Indiana; and

(2) United States District Court for the Southern District of Indiana;

concerning the return of U.S. mail sent by the court for jury selection purposes. The state shall provide each county voter registration office with information concerning any registered voter who appears to no longer reside at the address set forth in the voter's registration record due to a mailing returned to the courts as undeliverable due to an unknown or insufficient address. The county voter registration office shall send an address confirmation notice to the voter described by this subsection.



SECTION 24. IC 3-7-38.2-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. **(a) If the mailing to a voter sent under section 16 of this chapter must inquire whether the voter still resides at the residence address indicated on the person's voter registration. If the postcard is returned as undeliverable and the voter does not vote in either of the two (2) general elections following the mailing of the postcard, the county voter registration office shall remove the voter's name from the list of registered voters at the expiration of the period ending is returned by the United States Postal Service because of an unknown or insufficient address, the NVRA official shall mail a second notice to the voter. The notice must meet the following requirements:**

(1) Be sent by first class, United States mail, postage prepaid, by a method that requires the notice to be forwarded to the voter.

(2) Include a postage prepaid return card that:

(A) is addressed to the NVRA official;

(B) states a date (which must be at least thirty (30) days after the date the notice was mailed) by which the card must be returned or the voter's registration will become inactive until the information is provided to the county voter registration office; and

(C) permits the voter to provide the voter's current residence address.

(b) If a voter returns the card described in subsection (a)(2) and provides a current residence address that establishes that the voter resides:

(1) in the same county, the county voter registration office shall update the voter's registration record; or

(2) outside the county, the county voter registration office shall cancel the voter's registration.

(c) If a voter returns the card described in subsection (a)(2) after the final day for completing voter list maintenance activities under section 3 of this chapter, the county voter registration office shall, when the registration reopens after the next primary, general, or municipal election following the date specified in the notice, process any updates or cancellation of the voter registration record indicated on the card by the voter under subsection (b).

(d) If a voter returns the card described in subsection (a)(2) during the period described in subsection (c) with a request that the voter's registration record at an address be canceled, the county voter registration office shall proceed to cancel the



1 registration under section 3 of this chapter.

2 (e) If a card is returned not later than the date specified in
3 subsection (a)(2)(B) as undeliverable because of an unknown or
4 insufficient address, the county voter registration office shall
5 designate the voter as inactive.

6 (f) If a card is returned after the date specified in subsection
7 (a)(2)(B) as undeliverable because of an unknown or insufficient
8 address, the county voter registration office shall, when
9 registration reopens after the next primary, general, or municipal
10 election, determine whether the voter voted or appeared to vote
11 from the address set forth in the registration record at any election
12 occurring after the final day for completing voter list maintenance
13 activities, and if not, designate the voter as inactive.

14 (g) If a voter does not return the card described in subsection
15 (a)(2) by the date specified in subsection (a)(2)(B), the county voter
16 registration office shall indicate in the voter's registration record
17 that the voter's registration is inactive.

18 (h) A voter's registration that becomes inactive under
19 subsections (e) through (g) remains in inactive status from the date
20 described in subsection (a)(2)(B) until the earlier of the following:

21 (1) The date the county voter registration office updates or
22 cancels the voter's registration under subsection (b) after the
23 voter provides a current residence address.

24 (2) The day after the second general election in which the
25 voter has not voted or appeared to vote.

26 (i) After the day described in subsection (h)(2), the county voter
27 registration office shall remove the voter's registration from the
28 voter registration records not later than thirty (30) days after the
29 second general election following the date on which notices are mailed
30 to a voter under section 16 of this chapter.

31 SECTION 25. IC 3-7-39-7 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) This section
33 applies to a voter who changes residence to an address in the same
34 precinct where the voter's former residence was located.

35 (b) As required under 42 U.S.C. 1973gg-6(e)(1), a voter described
36 in subsection (a) may vote at the precinct polling place after the voter
37 makes an oral or a written affirmation of the change of address before
38 a member of the precinct election board.

39 (c) A person entitled to make a written affirmation under subsection
40 (b) may make an oral affirmation. The person must make the oral
41 affirmation before the poll clerks of the precinct. After the person
42 makes an oral affirmation under this subsection, the poll clerks shall:



- (1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and
- (2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under IC 3-7-29-6 or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation of the voter's change of residence on election day using a blank voter registration application provided under IC 3-7-48-7. If the voter makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing using a blank voter registration application provided under IC 3-7-48-7 and initial the affirmation.

SECTION 26. IC 3-7-40-6, AS AMENDED BY P.L.225-2011, SECTION 23, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 6. When notified by:

- (1) the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter;
- (2) the United States Postal Service that mail delivery to postal boxes located in a United States Postal Service facility will be discontinued and replaced by residential delivery; or
- (3) a local public official (or plan commission) under section 3 of this chapter of:
 - (A) the naming or renaming of streets;
 - (B) the numbering or renumbering of lots or structures; or
 - (C) the conversion of rural route addresses to numbered addresses;

the county voter registration office shall, as soon as practicable, amend the entry for the voter in the computerized list under IC 3-7-26.3.

SECTION 27. IC 3-7-40.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 40.5. Changes in Registration Records to Update Signature of Voter

Sec. 1. (a) This section applies when a county voter registration office determines that the original signature of a voter on a voter registration application previously approved by the county voter registration office is missing or has been destroyed.

(b) The county voter registration office may scan a copy of the voter's original signature from a poll list or other document maintained by the county election board or the county voter registration office into the computerized list to generate a copy of the signature for printing on a poll list or for an electronic poll



1 **book.**

2 SECTION 28. IC 3-7-41-2, AS AMENDED BY P.L.164-2006,
3 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 2. **(a)** The statement described in section 1 of
5 this chapter may be filed with the county voter registration office at any
6 time.

7 **(b)** A voter who wishes to indicate that the voter's name has
8 changed may also write the necessary information concerning the name
9 change on the poll list under IC 3-11-8-25.1 before the person receives
10 a ballot. **The change of name on the voter registration record is**
11 **effective immediately, and the person may then vote if otherwise**
12 **qualified.**

13 **(c) This subsection applies to a county that has adopted an order**
14 **under IC 3-7-29-6 or is a vote center county under IC 3-11-18.1. A**
15 **voter described in subsection (b) may indicate that the voter's**
16 **name has changed by writing the necessary information**
17 **concerning the name change on election day using a blank voter**
18 **registration application provided under IC 3-7-48-7. The poll**
19 **clerks shall initial the affirmation. The change of name on the voter**
20 **registration record is effective immediately, and the person may**
21 **then vote if otherwise qualified.**

22 SECTION 29. IC 3-7-42-4, AS AMENDED BY P.L.164-2006,
23 SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
24 UPON PASSAGE]: Sec. 4. At the time of transfer, the county voter
25 registration office shall amend

26 ~~(1) the original affidavit filed by the voter to indicate the changed~~
27 ~~mailing address, street name, or residence number on the~~
28 ~~affidavit; and~~

29 ~~(2) the entry for the voter in the computerized list under~~
30 ~~IC 3-7-26.3.~~

31 SECTION 30. IC 3-7-45-2.1, AS AMENDED BY P.L.164-2006,
32 SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
33 JULY 1, 2014]: Sec. 2.1. (a) As required under 42 U.S.C. 15483, the
34 election division shall coordinate the computerized list generated by
35 the statewide voter registration system under IC 3-7-26.3 with the state
36 department of health to permit a county voter registration office to
37 cancel the registration records of deceased individuals on an expedited
38 basis.

39 (b) The state department of health shall report to the election
40 division, by county, the names, ages, and known residence addresses
41 of all persons who:

42 (1) died within Indiana but outside the county of residence; and



(2) maintained a residence address within the county during the two (2) years preceding the date of death.

(c) Each county health officer and municipal health officer shall report to the state department of health the names, ages, and known voting addresses in the county of all persons:

- (1) who have died within the jurisdiction of the officer; or
- (2) for whom burial permits have been issued by the officer.

The state department of health shall report this information to the election division.

(d) The state department of health shall report to the election division, by county, the names, ages, and known residence addresses of all persons:

- (1) who died outside Indiana;
- (2) who maintained a residence address within the county during the two (2) years preceding the date of death; and
- (3) whose names were supplied to the state department of health under an agreement made under section 5 of this chapter.

(e) The county voter registration office shall request a copy of the death records filed quarterly by the local health department with the county auditor under IC 16-37-3-9(c). If a voter is identified as deceased in the death records, the county voter registration office shall cancel the voter registration record of that individual in conformity with section 3 of this chapter.

SECTION 31. IC 3-7-45-2.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 2.2. The election division shall coordinate the computerized list described in section 2.1 of this chapter with the bureau of motor vehicles to permit a county voter registration office to cancel on an expedited basis the registration record of an individual who is reported deceased by the bureau of motor vehicles.**

SECTION 32. IC 3-7-45-3, AS AMENDED BY P.L.164-2006, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. As required by 42 U.S.C. 15483, after receipt of the reports required by section 2.1 or 2.2 of this chapter, each county voter registration office shall cancel the registration of each deceased person listed in the reports.**

SECTION 33. IC 3-7-48-3, AS AMENDED BY P.L.271-2013, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 3. (a) This section does not apply whenever a county voter registration office provides confirmation of the issuance of a certificate of error to a precinct election officer by transmitting the**



confirmation through an electronic poll ~~list~~ **book** used at a precinct or vote center.

(b) One (1) copy of the certificate of error shall be ~~delivered to the inspector of the precinct of the voter's residence. The inspector shall return that copy to filed by~~ the circuit court clerk with other election material **for the precinct in which the voter resides** at the close of the polls as provided in this title.

SECTION 34. IC 3-7-48-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) This section applies to a voter who:

(1) formerly resided in a precinct according to the voter registration record; and

(2) no longer resides in that precinct according to the voter registration record.

(b) As provided under 42 U.S.C. 1973gg-6(e)(3), a voter described by subsection (a) may vote in the precinct where the voter formerly resided (according to the voter registration record) if the voter makes an oral or a written affirmation to a member of the precinct election board that the voter continues to reside at the address shown as the voter's former residence on the voter registration record.

(c) A person entitled to make a written affirmation under subsection (b) may make an oral affirmation. The person must make the oral affirmation before the poll clerks of the precinct. After the person makes an oral affirmation under this subsection, the poll clerks shall:

(1) reduce the substance of the affirmation to writing at an appropriate location on the poll list; and

(2) initial the affirmation.

(d) This subsection applies to a county that has adopted an order under IC 3-7-29-6 or is a vote center county under IC 3-11-18.1. A voter described in subsection (a) may make a written affirmation described in this section on a blank voter registration application provided under section 7 of this chapter. If the person makes an oral affirmation under this subsection, the poll clerks shall reduce the substance of the affirmation to writing by using a blank voter registration application provided under section 7 of this chapter and initial the affirmation.

SECTION 35. IC 3-8-6-6, AS AMENDED BY P.L.194-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) The signatures to a petition of nomination need not be appended to one (1) paper, but a petitioner may not be counted unless ~~at the time of signing~~ the petitioner is registered and qualified to vote **in conformity with section 8 of this chapter.**



Each petition must contain the following:

- (1) The signature of each petitioner.
- (2) The name of each petitioner legibly printed.
- (3) The residence address of each petitioner as set forth on the petitioner's voter registration record.

(b) Except as provided in this subsection, the signature, printed name, and residence address of the petitioner must be made in writing by the petitioner. If a petitioner with a disability is unable to write this information on the petition, the petitioner may authorize an individual to do so on the petitioner's behalf. The individual acting under this subsection shall execute an affidavit of assistance for each such petitioner, in a form prescribed by the commission. The form must set forth the name and address of the individual providing assistance, and the date the individual provided the assistance. The form must be submitted with the petition.

SECTION 36. IC 3-8-7-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6. (a) Not later than noon ten (10) days after

~~(1) receipt of the candidate lists from each circuit court clerk under section 5 of this chapter; or~~

~~(2) the certification of the canvass performed by the election division under IC 3-10-1-34,~~

~~whichever occurs later;~~ the secretary of state shall furnish to the state chairman of each major political party of the state a list, certified under the secretary's hand and seal.

(b) The list described in subsection (a) must:

~~(1) contain the names of all candidates nominated as certified by the circuit court clerks under section 5 of this chapter;~~

~~(2) (1) contain the names of all candidates shown to be nominated by the canvass of the election division conducted under IC 3-10-1-34; and~~

~~(3) (2) include the address of each candidate.~~

(c) No other form of certification of nomination for office is necessary for an individual included on the list described by this section.

SECTION 37. IC 3-10-1-31.1, AS AMENDED BY P.L.141-2011, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 31.1. (a) This section applies only to election materials for elections held after December 31, 2003.

(b) The inspector of each precinct shall deliver the bags required by section 30(a) and 30(c) of this chapter in good condition, together with poll lists, tally sheets, and other forms, to the circuit court clerk when



making returns.

(c) Except for unused ballots disposed of under IC 3-11-3-31 or affidavits received by the county election board under IC 3-14-5-2 for delivery to the foreman of a grand jury, the circuit court clerk shall seal the ballots (including provisional ballots) and other material (including election material related to provisional ballots) during the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election. Except as provided in subsection (d) and notwithstanding any other provision of state law, after the recount or contest filing period, the election material, including election material related to provisional ballots (except for ballots and provisional ballots, which remain confidential) shall be made available for copying and inspection under IC 5-14-3. The circuit court clerk shall carefully preserve the sealed ballots and other material for twenty-two (22) months, as required by 42 U.S.C. 1974, after which the sealed ballots and other material are subject to IC 5-15-6 unless an order issued under:

(1) IC 3-12-6-19 or IC 3-12-11-16; or

(2) 42 U.S.C. 1973;

requires the continued preservation of the ballots or other material.

(d) If a petition for a recount or contest is filed, the material for that election remains confidential until completion of the recount or contest.

(e) Upon delivery of the poll lists, the county voter registration office ~~may~~ **shall** unseal the envelopes containing the poll lists, **inspect the poll lists, and update the registration records of the county.** For the purposes of:

~~(1) a cancellation of registration conducted under IC 3-7-43 through IC 3-7-46;~~

~~(2) a transfer of registration conducted under IC 3-7-39; IC 3-7-40; or IC 3-7-42;~~

~~(3) a change of name made under IC 3-7-41;~~

~~(4) adding the registration of a voter under IC 3-7-48-8; or~~

~~(5) recording that a voter subject to IC 3-7-33-4.5 submitted the documentation required under 42 U.S.C. 15483 and IC 3-11-8 or IC 3-11-10;~~

~~the county voter registration office may inspect the poll lists and update the registration record of the county.~~ The county voter registration office shall use the poll lists to update the registration record to include the voter's voter identification number if the voter's voter identification number is not already included in the registration record. Upon completion of the inspection, the poll list shall be preserved with the ballots and other materials in the manner prescribed by subsection (c)



for the period prescribed by subsections (c) and (d).

(f) This subsection does not apply to ballots, including provisional ballots. Notwithstanding subsection (c), if a county voter registration office determines that the inspection and copying of precinct election material would reveal the political parties, candidates, and public questions for which an individual cast an absentee ballot, the county voter registration office shall keep confidential only that part of the election material necessary to protect the secrecy of the voter's ballot. In addition, the county voter registration office shall keep confidential information contained in material related to provisional ballots that identifies an individual, except for the individual's name, address, and birth date.

(g) After the expiration of the period described in subsection (c) or (d), the ballots may be destroyed in the manner provided by IC 3-11-3-31 or transferred to a state educational institution as provided by IC 3-12-2-12.

(h) This subsection applies to a detachable recording unit or compartment used to record a ballot cast on a direct record electronic voting system. After the time allowed to file a verified petition or cross-petition for a recount of votes or to contest the election, the circuit court clerk shall transfer the data contained in the unit or compartment to a disc or other recording medium. After transferring the data, the clerk may clear or erase the unit or compartment. The circuit court clerk shall carefully preserve the disc or medium used to record the data for twenty-two (22) months, as required by 42 U.S.C. 1974, after which time the disc or medium may be erased or destroyed, subject to IC 5-15-6, unless an order requiring the continued preservation of the disc or medium is issued under the following:

(1) IC 3-12-6-19.

(2) IC 3-12-11-16.

(3) 42 U.S.C. 1973.

SECTION 38. IC 3-10-11-5, AS AMENDED BY P.L.164-2006, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. An affidavit executed under this chapter must contain the following information:

(1) The person's last, first, and middle name, in that order.

(2) The person's ~~birthplace and~~ date of birth.

(3) Whether the person is a United States citizen.

(4) The person's current address, including the county. If the person resides in a municipality, the address must include the street address, including apartment number or other designation,



or the name and room number of the hotel or lodging house. If the person does not reside in a municipality, the address must include the mailing address and the street or road.

(5) The address of the person's previous residence, including the county.

(6) The person's statement that the person satisfies the conditions set forth in section 2 of this chapter.

(7) The person's voter identification number to permit transfer of the registration under IC 3-7-13-13.

SECTION 39. IC 3-11-3-16, AS AMENDED BY P.L.258-2013, SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 16. (a) Except as provided in subsection (b), each county election board shall prepare and have delivered to the inspectors of the precincts, at the time they receive the ballots for their precincts, a suitable number of voter registration lists certified under IC 3-7-29 ~~(or an electronic poll list in a county described by IC 3-7-29-6 or IC 3-11-18.1)~~ and any other forms, papers, certificates, and oaths that are required to be furnished to precinct election boards. The forms and papers must be prepared in compliance with IC 3-5-4-8.

(b) In a county described by IC 3-7-29-6 or IC 3-11-18.1, the electronic poll ~~lists~~ **books** shall be delivered and installed for use by the county election board under section 11(b) of this chapter.

(c) The county voter registration office shall cooperate with the county election board in the preparation of the lists certified under IC 3-7-29 (or in the use of the electronic poll ~~lists~~ **books**).

SECTION 40. IC 3-11-4-2, AS AMENDED BY P.L.194-2013, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application **and comply with subsection (d).**

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

(1) The name of the individual.



- 1 (2) The voter registration address of the individual.
- 2 (3) The mailing address of the individual.
- 3 (4) The date of birth of the individual.
- 4 (d) A person may not provide an individual with an application for
- 5 an absentee ballot with the following information already printed or
- 6 otherwise set forth on the application when provided to the individual:
- 7 (1) The address to which the absentee ballot would be mailed, if
- 8 different from the voter registration address of the individual.
- 9 (2) In a primary election, the major political party ballot requested
- 10 by the individual.
- 11 (3) In a primary or general election, the types of absentee ballots
- 12 requested by the individual.
- 13 (4) The reason why the individual is entitled to vote an absentee
- 14 ballot:
- 15 (A) by mail; or
- 16 (B) before an absentee voter board (other than an absentee
- 17 voter board located in the office of the circuit court clerk or a
- 18 satellite office);
- 19 in accordance with IC 3-11-4-18, IC 3-11-10-24, or
- 20 IC 3-11-10-25.
- 21 (5) The voter identification number of the individual.
- 22 (e) If the county election board determines that an absentee ballot
- 23 application does not comply with subsection (d), the board shall deny
- 24 the application under section 17.5 of this chapter.
- 25 (f) A person who assists an individual in completing any
- 26 information described in subsection (d) on an absentee ballot
- 27 application shall state under the penalties for perjury the following
- 28 information on the application:
- 29 (1) The full name, residence and mailing address, and daytime
- 30 and evening telephone numbers (if any) of the person providing
- 31 the assistance.
- 32 (2) The date this assistance was provided.
- 33 (3) That the person providing the assistance has complied with
- 34 Indiana laws governing the submission of absentee ballot
- 35 applications.
- 36 (4) That the person has no knowledge or reason to believe that the
- 37 individual submitting the application:
- 38 (A) is ineligible to vote or to cast an absentee ballot; or
- 39 (B) did not properly complete and sign the application.
- 40 **When providing assistance to an individual, the person must, in the**
- 41 **individual's presence and with the individual's consent, provide the**
- 42 **information listed in subsection (d) if the individual is unable to do**



1 so.

2 (g) This subsection does not apply to an employee of the United
3 States Postal Service or a bonded courier company acting in the
4 individual's capacity as an employee of the United States Postal Service
5 or a bonded courier company. A person who receives a completed
6 absentee ballot application from the individual who has applied for the
7 absentee ballot shall indicate on the application the date the person
8 received the application, and file the application with the appropriate
9 county election board not later than:

10 (1) noon ten (10) days after the person receives the application;

11 or

12 (2) the deadline set by Indiana law for filing the application with
13 the board;

14 whichever occurs first. The election division, a county election board,
15 or a board of elections and registration shall forward an absentee ballot
16 application to the county election board or board of elections and
17 registration of the county where the individual resides.

18 (h) This subsection does not apply to an employee of the United
19 States Postal Service or a bonded courier company acting in the
20 individual's capacity as an employee of the United States Postal Service
21 or a bonded courier company, or to the election division, a county
22 election board, or a board of elections and registration. A person filing
23 an absentee ballot application, other than the person's own absentee
24 ballot application, must sign an affidavit at the time of filing the
25 application. The affidavit must be in a form prescribed by the
26 commission. The form must include the following:

27 (1) A statement of the full name, residence and mailing address,
28 and daytime and evening telephone numbers (if any) of the person
29 submitting the application.

30 (2) A statement that the person filing the affidavit has complied
31 with Indiana laws governing the submission of absentee ballot
32 applications.

33 **(3) Beginning January 1, 2015, the date (or dates) that the**
34 **absentee ballot applications attached to the affidavit were**
35 **received.**

36 ~~(3)~~ (4) A statement that the person has no knowledge or reason to
37 believe that the individual whose application is to be filed:

38 (A) is ineligible to vote or to cast an absentee ballot; or

39 (B) did not properly complete and sign the application.

40 ~~(4)~~ (5) A statement that the person is executing the affidavit under
41 the penalties of perjury.

42 ~~(5)~~ (6) A statement setting forth the penalties for perjury.



(i) The county election board shall record the date and time of the filing of the affidavit.

SECTION 41. IC 3-11-4-5.1, AS AMENDED BY P.L.194-2013, SECTION 53, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) The commission shall prescribe the form of an application for an absentee ballot.

(b) This subsection does not apply to the form for an absentee ballot application to be submitted by an absent uniformed services voter or overseas voter that contains a standardized oath for those voters. The form of the application for an absentee ballot must do all of the following:

(1) Require the applicant to swear to or affirm under the penalties of perjury that all of the information set forth on the application is true to the best of the applicant's knowledge and belief.

(2) Require a person who assisted with the completion of the application to swear to or affirm under the penalties of perjury the statements set forth in section 2(f) of this chapter.

(3) Serve as a verified statement for a voter to indicate a change of name under IC 3-7-41. The form must require the applicant to indicate the applicant's previous name.

(4) Set forth the penalties for perjury.

(c) The form prescribed by the commission shall require that a voter who:

(1) requests an absentee ballot; and

(2) is eligible to vote in the precinct under IC 3-10-11 or IC 3-10-12;

must include the affidavit required by IC 3-10-11 or a written affirmation described in IC 3-10-12.

(d) ~~Not later than June 30, 2013,~~ The commission shall approve absentee ballot application forms that comply with this subsection and section 2(g) of this chapter and permit the applicant to indicate a change of name under subsection (b). The form prescribed by the commission must request that a voter who requests an absentee ballot:

(1) provide the last four (4) digits of the voter's Social Security number; or

(2) state that the voter does not have a Social Security number.

The form must indicate that the voter's compliance with this request is optional.

(e) An application form submitted by a voter ~~after June 30, 2013,~~ must:

(1) comply with subsection (d); or

(2) be an earlier approved version of an application form



authorized for use on June 30, 2013.

(f) The form prescribed by the commission must include a statement that permits an applicant to indicate whether:

- (1) the applicant has been certified and is currently a participant in the address confidentiality program under IC 5-26.5-2; and
- (2) the applicant's legal residence is at the address set forth in the applicant's voter registration.

If the applicant confirms these statements, the applicant may indicate the address of the office of the attorney general as the address ~~at which the applicant resides~~ and to which the absentee ballot is to be mailed.

SECTION 42. IC 3-11-4-17.5, AS AMENDED BY P.L.194-2013, SECTION 54, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17.5. (a) Upon receiving an application for an absentee ballot, the county election board (or the absentee voter board in the office of the circuit court clerk) shall determine if:

- (1) the applicant is a voter of the precinct in which the applicant resides, according to the records of the county voter registration office;
- (2) the information set forth on the application appears to be true;
- (3) the signature of the voter on the application substantially conforms with the signature of the voter on the voter registration record, or that any substantial difference between the signatures can be accounted for by age or disability of the voter or the execution of the affidavit by an individual acting under section 2(b) of this chapter; and
- (4) the application has been completed and filed in accordance with Indiana and federal law.

If the members of the absentee voter board are unable to agree about any of the determinations described in subdivisions (1) through (4), the issue shall be referred to the county election board for determination. If the application is submitted by a voter wanting to cast an absentee ballot under IC 3-11-10-26, the voter shall be permitted to cast ~~an absentee ballot, and the voter's absentee ballot shall be treated as a~~ provisional ballot, **which the county election board shall retain and not transmit to the voter's precinct.**

(b) If:

- (1) the applicant is not a voter of the precinct according to the registration record; or
- (2) the application as completed and filed:
 - (A) contains a false statement; or
 - (B) does not otherwise comply with Indiana or federal law;

as alleged under section 18.5 of this chapter, the county election board



1 shall deny the application.

2 (c) A voter's failure to provide the information requested under
3 section 5.1(d) of this chapter does not affect a voter's ability to receive
4 an absentee ballot. A county election board may not deny an
5 application because the voter has not provided the information
6 requested under section 5.1(d) of this chapter as a part of the voter's
7 application for an absentee ballot.

8 (d) This subsection applies to an absentee ballot application
9 submitted by an absent uniformed services voter or an overseas voter.
10 In accordance with 42 U.S.C. 1973ff-1(d), if the application is denied,
11 the county election board shall provide the voter with the reasons for
12 the denial of the application. Unless the voter is present when the board
13 denies the application, the board shall send a written notice stating the
14 reasons for the denial to the voter. The notice must be sent:

15 (1) not later than forty-eight (48) hours after the application is
16 denied; and

17 (2) to the voter at the address at which the voter requested that the
18 absentee ballot be mailed.

19 (e) If the county election board determines that the applicant is a
20 voter of the precinct under subsection (a), the board shall then
21 determine whether:

22 (1) the applicant was required to file any additional
23 documentation under IC 3-7-33-4.5; and

24 (2) the applicant has filed this documentation according to the
25 records of the county voter registration office.

26 If the applicant has not filed the required documentation, the county
27 election board shall approve the application if the application otherwise
28 complies with this chapter. The board shall add a notation to the
29 application and to the record compiled under section 17 of this chapter
30 indicating that the applicant will be required to provide additional
31 documentation to the county voter registration office under
32 IC 3-7-33-4.5 before the absentee ballot may be counted.

33 (f) If the applicant:

34 (1) is a voter of the precinct according to the registration record;

35 **and**

36 (2) states on the application that the applicant resides at an
37 address that is within the same precinct but is not the same
38 address shown on the registration record; **and**

39 ~~(3) provides a voter identification number on the application to~~
40 ~~permit transfer of registration under IC 3-7-13-13;~~

41 the county election board shall direct the county voter registration
42 office to transfer the applicant's voter registration address to the



1 address within the precinct shown on the application. The applicant's
 2 application for an absentee ballot shall be approved if the applicant is
 3 otherwise eligible to receive the ballot under this chapter.

4 SECTION 43. IC 3-11-8-7, AS AMENDED BY P.L.221-2005,
 5 SECTION 65, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 UPON PASSAGE]: Sec. 7. In preparing the polls for an election, the
 7 county executive shall:

8 (1) have placed within the room a railing separating the part of the
 9 room to be occupied by the precinct election board from that part
 10 of the room to be occupied by the ballot card voting systems,
 11 electronic voting systems, and the three (3) or more booths or
 12 compartments for marking paper ballots, whenever either or two

13 (2) of these voting systems are used;

14 (2) ensure that the portion of the room set apart for the precinct
 15 election board includes a **door designated area before the voter**
 16 **approaches the precinct election board** at which each voter
 17 appears for challenge; and

18 (3) provide a method or material for designating the boundaries
 19 of the chute, such as a railing, rope, or wire on each side,
 20 beginning a distance equal to the length of the chute (as defined
 21 in IC 3-5-2-10) away from and leading to the door for challenge
 22 and to the room in which the election is held.

23 SECTION 44. IC 3-11-8-10.3, AS AMENDED BY P.L.219-2013,
 24 SECTION 40, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 25 UPON PASSAGE]: Sec. 10.3. (a) ~~As used in this section, "electronic~~
 26 ~~poll list" refers to a poll list that is maintained in a computer data base.~~
 27 **A reference to an electronic poll list in a vote center plan adopted**
 28 **under IC 3-11-18.1 before July 1, 2014, is considered to be a**
 29 **reference to an electronic poll book (as defined by IC 3-5-2-20.5),**
 30 **unless otherwise expressly provided in the vote center plan.**

31 (b) An electronic poll ~~list~~ **book** must satisfy all of the following:

32 (1) An electronic poll ~~list~~ **book** must be programmed so that the
 33 coordinated action of two (2) election officers who are not
 34 members of the same political party is necessary to access the
 35 electronic poll ~~list~~: **book**.

36 (2) An electronic poll ~~list~~ **book** may not be connected to a voting
 37 system.

38 (3) An electronic poll ~~list~~ **book** may not permit access to voter
 39 information other than:

40 (A) information provided on the certified list of voters
 41 prepared under IC 3-7-29-1; or

42 (B) information concerning any of the following received or



- 1 issued after the electronic poll ~~list~~ **book** has been downloaded
- 2 by the county election board under IC 3-7-29-6:
- 3 (i) The county's receipt of an absentee ballot from the voter.
- 4 (ii) The county's receipt of additional documentation
- 5 provided by the voter to the county voter registration office.
- 6 (iii) The county's issuance of a certificate of error.
- 7 (4) The information contained on an electronic poll ~~list~~ **book** must
- 8 be encrypted and placed on a dedicated, private server to secure
- 9 connectivity between a precinct polling place or satellite absentee
- 10 office and the county election board. The electronic poll book
- 11 must have the capability of:
- 12 (A) storing (in external or internal memory) a local version of
- 13 the ~~data base; electronic poll list;~~ and
- 14 (B) producing a list of audit records that reflect all of the
- 15 idiosyncrasies of the system, including in-process audit
- 16 records that set forth all transactions.
- 17 (5) The electronic poll ~~list~~ **book** must permit a poll clerk to enter
- 18 information regarding an individual who has appeared to vote to
- 19 verify whether the individual is eligible to vote, and if so, whether
- 20 the voter has:
- 21 (A) already cast a ballot at the election;
- 22 (B) returned an absentee ballot; or
- 23 (C) submitted any additional documentation required under
- 24 IC 3-7-33-4.5.
- 25 (6) After the voter has been provided with a ballot, the electronic
- 26 poll ~~list~~ **book** must permit a poll clerk to enter information
- 27 indicating that the voter has voted at the election.
- 28 (7) The electronic poll ~~list~~ **book** must transmit the information in
- 29 subdivision (6) to the county election board so that the board may
- 30 transmit the information immediately to every other polling place
- 31 or satellite absentee office in the county, ~~in which an electronic~~
- 32 ~~poll list is being used.~~
- 33 (8) The electronic poll ~~list~~ **book** must permit reports to be:
- 34 (A) generated by a county election board for a watcher
- 35 appointed under IC 3-6-8 at any time during election day; and
- 36 (B) electronically transmitted by the county election board to
- 37 a political party or independent candidate who has appointed
- 38 a watcher under IC 3-6-8.
- 39 (9) On each day after absentee ballots are cast before an absentee
- 40 voter board in the circuit court clerk's office, a satellite office, or
- 41 a vote center, and after election day, the electronic poll ~~list~~ **book**
- 42 must permit voter history to be quickly and accurately uploaded



into the computerized list.

(10) The electronic poll ~~list~~ **book** must be able to display an electronic image of the signature of a voter taken from the voter's registration application, if available.

(11) The electronic poll ~~list~~ **book** must be used with a signature pad, tablet, or other signature capturing device that permits the voter to make an electronic signature for comparison with the signature displayed under subdivision (10). An image of the electronic signature made by the voter on the signature pad, tablet, or other signature capturing device must be retained and identified as the signature of the voter for the period required for retention under IC 3-10-1-31.1.

(12) The electronic poll ~~list~~ **book** must include a bar code reader or tablet that:

(A) permits a voter who presents an Indiana driver's license or a state identification card issued under IC 9-24-16 to scan the license or card through the bar code reader or tablet; and

(B) has the capability to display the voter's registration record upon processing the information contained within the bar code on the license or card.

(13) The electronic poll ~~list~~ **book** must be compatible with:

(A) any hardware attached to the **electronic** poll book, such as signature pads, bar code scanners, and network cards;

(B) the statewide voter registration system; and

(C) any software system used to prepare voter information to be included on the electronic poll ~~list~~ **book**.

(14) The electronic poll ~~list~~ **book** must have the ability to be used in conformity with this title for:

(A) any type of election conducted in Indiana; or

(B) any combination of elections held concurrently with a general election, municipal election, primary election, or special election.

(15) The procedures for setting up, using, and shutting down an electronic poll ~~list~~ **book** must:

(A) be reasonably easy for a precinct election officer to learn, understand, and perform; and

(B) not require a significant amount of training in addition to the training required by IC 3-6-6-40.

(16) The electronic poll ~~list~~ **book** must enable a precinct election officer to verify that the electronic poll ~~list~~ **book**:

(A) has been set up correctly;

(B) is working correctly so as to verify the eligibility of the



- 1 voter;
- 2 (C) is correctly recording that a voter has voted; and
- 3 (D) has been shut down correctly.
- 4 (17) The electronic poll ~~list~~ **book** must include the following
- 5 documentation:
- 6 (A) Plainly worded, complete, and detailed instructions
- 7 sufficient for a precinct election officer to set up, use, and shut
- 8 down the electronic poll ~~list~~ **book**.
- 9 (B) Training materials that:
- 10 (i) may be in written or video form; and
- 11 (ii) must be in a format suitable for use at a polling place,
- 12 such as simple "how to" guides.
- 13 (C) Failsafe data recovery procedures for information included
- 14 in the electronic poll ~~list~~ **book**.
- 15 (D) Usability tests:
- 16 (i) that are conducted by the manufacturer of the electronic
- 17 poll ~~list~~ **book** using individuals who are representative of the
- 18 general public;
- 19 (ii) that include the setting up, using, and shutting down of
- 20 the electronic poll ~~list~~ **book**; and
- 21 (iii) that report their results using the ANSI/INCITS -354
- 22 Common Industry Format (CIF) for Usability Test Reports
- 23 approved by the American National Standards Institute
- 24 (ANSI) on December 12, 2001.
- 25 (E) A clear model of the electronic poll ~~list~~ **book** system
- 26 architecture and the following documentation:
- 27 (i) End user documentation.
- 28 (ii) System-level documentation.
- 29 (iii) Developer documentation.
- 30 (F) Detailed information concerning:
- 31 (i) electronic poll ~~list~~ **book** consumables; and
- 32 (ii) the vendor's supply chain for those consumables.
- 33 (G) Vendor internal quality assurance procedures and any
- 34 internal or external test data and reports available to the
- 35 vendor concerning the electronic poll ~~list~~ **book**.
- 36 (H) Repair and maintenance policies for the electronic poll
- 37 ~~list~~ **book**.
- 38 (I) As of the date of the vendor's application for approval of
- 39 the electronic poll ~~list~~ **book** by the secretary of state as
- 40 required by ~~IC 3-11-18.1-12(2)~~, **IC 3-11-18.1-12**, the
- 41 following:
- 42 (i) A list of customers who are using or have previously used



- 1 the vendor's electronic poll ~~list~~ **book**.
- 2 (ii) A description of any known anomalies involving the
- 3 functioning of the electronic poll ~~list~~ **book**, including how
- 4 those anomalies were resolved.
- 5 (18) The electronic poll ~~list~~ **book** and any hardware attached to
- 6 the **electronic** poll book must be designed to prevent injury or
- 7 damage to any individual or the hardware, including fire and
- 8 electrical hazards.
- 9 (19) The electronic poll ~~list~~ **book** must demonstrate that it
- 10 correctly processes all activity regarding each voter registration
- 11 record included on the ~~list~~ **electronic poll book**, including the
- 12 use, alteration, storage, and transmittal of information that is part
- 13 of the record. Compliance with this subdivision requires the
- 14 mapping of the data life cycle of the voter registration record as
- 15 processed by the electronic poll ~~list~~ **book**.
- 16 (20) The electronic poll ~~list~~ **book** must successfully perform in
- 17 accordance with all representations concerning functionality,
- 18 usability, security, accessibility, and sustainability made in the
- 19 vendor's application for approval of the electronic poll ~~list~~ **book**
- 20 by the secretary of state as required by ~~IC 3-11-18.1-12(2)~~.
- 21 **IC 3-11-18.1-12.**
- 22 (21) The electronic poll ~~list~~ **book** must have the capacity to
- 23 transmit all information generated by the voter or poll clerk as
- 24 part of the process of casting a ballot, including the time and date
- 25 stamp indicating when the voter ~~voted~~; **signed the poll book**, and
- 26 the electronic signature of the voter, for retention on the dedicated
- 27 private server maintained by the county election board for the
- 28 period required by Indiana and federal law.
- 29 (22) The electronic poll ~~list~~ **book** must:
- 30 (A) permit a voter to sign the poll ~~list~~ **book** even when there is
- 31 a temporary interruption in connectivity to the Internet; and
- 32 (B) provide for the uploading of each signature and its
- 33 assignment to the voter's registration record.
- 34 SECTION 45. IC 3-11-8-11.3 IS REPEALED [EFFECTIVE UPON
- 35 PASSAGE]. ~~Sec. 11.3. (a) This section applies to a voter casting an~~
- 36 ~~absentee ballot at:~~
- 37 ~~(1) a location of the office of the circuit court clerk designated by~~
- 38 ~~the circuit court clerk under IC 3-11-10-26(a)(1);~~
- 39 ~~(2) the office of the board of elections and registration under~~
- 40 ~~IC 3-11-10-26(b)(1); or~~
- 41 ~~(3) a satellite office established under IC 3-11-10-26.3;~~
- 42 ~~(b) When the hour for closing the location or office; or the deadline~~



for voting established by IC 3-11-10-26; occurs, a voter who is:

(1) in the act of voting; or

(2) in line to vote, as determined in subsection (c);

shall be permitted to vote, unless otherwise prevented according to law.

(c) At the time described in subsection (b), an individual designated by the circuit court clerk shall:

(1) determine the end of the line of voters who are waiting to vote at the time described in subsection (b); and

(2) use one (1) of the following methods to identify the voters in the line who may vote unless otherwise prevented according to law:

(A) Write down the name of each voter.

(B) Stamp each voter's hand.

(C) Stand, or designate another individual to stand, immediately behind the last voter who may vote.

SECTION 46. IC 3-11-8-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 19. Voters shall approach and enter the chute in the order in which they appear for the purpose of voting. **After entering the polls, the voter shall proceed to the designated area for challengers.** A voter shall immediately announce the voter's full and true name to the challengers.

SECTION 47. IC 3-11-8-23, AS AMENDED BY P.L.219-2013, SECTION 41, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 23. (a) If a challenged voter has already made an affirmation or executed an affidavit under IC 3-7-48-7.5, IC 3-10-10-9, IC 3-10-11-4.5, or IC 3-10-12-5, the challenged voter is not required to execute an additional affidavit under this section.

(b) The affidavit of a challenged voter required by section 22.1 of this chapter must be sworn and affirmed and must contain the following:

(1) A statement that the voter is a citizen of the United States.

(2) The voter's date of birth to the best of the voter's information and belief.

(3) A statement that the voter has been a resident of the precinct for thirty (30) days immediately before this election or is qualified to vote in the precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12.

(4) The voter's name and a statement that the voter is generally known by that name.

(5) A statement that the voter has not voted and will not vote in any other precinct in this election.

(6) The voter's occupation.



(7) (6) The voter's current residential address, including the street or number, and if applicable, the voter's residential address thirty (30) days before the election, and the date the voter moved.

(7) If applicable, that, when the voter was challenged to present proof of identification or an additional document to confirm the voter's identity and current residence, the voter presented proof of identification or the additional documentation that complied with IC 3-5-2-40.5 or IC 3-7-33-4.5.

(8) A statement that the voter understands that making a false statement on the affidavit is punishable under the penalties of perjury.

(9) If the individual's name does not appear on the registration list, a statement that the individual registered to vote and where the individual believes the individual registered to vote during the registration period described by IC 3-7-13-10.

SECTION 48. IC 3-11-8-25.1, AS AMENDED BY P.L.219-2013, SECTION 45, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a precinct election officer shall ask the voter to provide proof of identification. One (1) of each of the precinct election officers nominated by each county chairman of a major political party of the county under IC 3-6-6-8 or IC 3-6-6-9 is entitled to ask the voter to provide proof of identification. The voter shall produce the proof of identification to each precinct officer requesting the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is



located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list or to provide the following information for entry into the electronic poll list:

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29 or enter the information into the electronic poll list. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) The electronic poll list **book** (or each line on a poll list sheet provided to take a voter's current address) must include a box under the heading "Address Unchanged" so that the voter may check the box instead of writing the voter's current address on the poll list, or if an



1 electronic poll ~~list~~ **book** is used, the poll clerk may check the box after
 2 stating to the voter the address shown on the electronic poll list and
 3 receiving an oral affirmation from the voter that the voter's residence
 4 address shown on the poll list is the voter's current residence address
 5 instead of writing the voter's current residence address on the poll list
 6 or reentering the address in the electronic poll ~~list~~ **book**.

7 (l) If the voter indicates that the voter's current residence is located
 8 within another county in Indiana, the voter is considered to have
 9 directed the county voter registration office of the county where the
 10 precinct is located to cancel the voter registration record within the
 11 county. The precinct election board shall provide the voter with a voter
 12 registration application for the voter to complete and file with the
 13 county voter registration office of the county where the voter's current
 14 residence address is located.

15 (m) If the voter indicates that the voter's current residence is located
 16 outside Indiana, the voter is considered to have directed the county
 17 voter registration office of the county where the precinct is located to
 18 cancel the voter registration record within the county.

19 SECTION 49. IC 3-11-10-14, AS AMENDED BY P.L.219-2013,
 20 SECTION 48, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 14. Subject to IC 3-10-8-7.5, **IC 3-12-1-17**,
 22 and section 11 of this chapter, absentee ballots received by mail (or by
 23 fax or electronic mail under IC 3-11-4-6) after the county election
 24 board has started the final delivery of the ballots to the precincts on
 25 election day are considered as arriving too late and need not be
 26 delivered to the polls.

27 SECTION 50. IC 3-11-10-16, AS AMENDED BY P.L.221-2005,
 28 SECTION 71, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 29 UPON PASSAGE]: Sec. 16. (a) If the inspector finds under section 15
 30 of this chapter that:

- 31 (1) the affidavit is properly executed;
- 32 (2) the signatures correspond;
- 33 (3) the absentee voter is a qualified voter of the precinct;
- 34 (4) the absentee voter is registered and is not required to file
- 35 additional information with the county voter registration office
- 36 under IC 3-7-33-4.5;
- 37 (5) the absentee voter has not voted in person at the election; and
- 38 (6) in case of a primary election, if the absentee voter has not
- 39 previously voted, the absentee voter has executed the proper
- 40 declaration relative to age and qualifications and the political
- 41 party with which the absentee voter intends to affiliate;

42 then the inspector shall open the envelope containing the absentee



1 ballots so as not to deface or destroy the affidavit and take out each
 2 ballot enclosed without unfolding or permitting a ballot to be unfolded
 3 or examined.

4 (b) The inspector shall then hand the ballots to the judges who shall
 5 deposit the ballots in the proper ballot box. ~~and enter the absentee~~
 6 ~~voter's name on the poll list, as if the absentee voter had been present~~
 7 ~~and voted in person.~~ The ~~judges~~ **inspector** shall mark the poll list **in**
 8 **the presence of the poll clerks** to indicate that the voter has voted by
 9 absentee ballot. If the voter has registered and voted under
 10 IC 3-7-36-14, the inspector shall attach to the poll list the circuit court
 11 clerk's certification that the voter has registered.

12 SECTION 51. IC 3-11-10-21 IS AMENDED TO READ AS
 13 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 21. The vote of an
 14 absentee voter may be challenged at the polls for the reason that the
 15 absentee voter is not a legal voter of the precinct where the ballot is
 16 being cast. The challenge under this section regarding the absentee
 17 ballot must be determined **by the county election board** using the
 18 procedures for counting a provisional ballot under IC 3-11.7.

19 SECTION 52. IC 3-11-10-22, AS AMENDED BY P.L.109-2005,
 20 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 UPON PASSAGE]: Sec. 22. (a) If an absentee ballot is challenged
 22 under section 21 of this chapter, the absentee voter's application for an
 23 absentee ballot shall be considered as the affidavit required to be made
 24 by a voter when challenged at the polls while voting in person.

25 (b) Except as provided in subsection (c), the challenge procedure
 26 under this section is the same as though the ballot was cast by the voter
 27 in person.

28 (c) An absentee voter is not required to provide proof of
 29 identification.

30 (d) If a proper affidavit is made that would entitle the absentee voter
 31 to vote if the absentee voter had personally appeared, then the absentee
 32 ballot **envelope must be marked to indicate that a provisional ballot**
 33 **is enclosed, and the envelope** shall be placed ~~in the ballot box.~~ **with**
 34 **the other provisional ballot envelopes for transmittal to the county**
 35 **election board.**

36 SECTION 53. IC 3-11-10-26.2, AS AMENDED BY P.L.194-2013,
 37 SECTION 61, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 UPON PASSAGE]: Sec. 26.2. (a) A

39 (1) county election board or

40 (2) board of elections and registration

41 ~~of a county subject to IC 3-11.5 may adopt a resolution to authorize the~~
 42 ~~circuit court clerk to use~~ **shall comply with IC 3-11-9-6 by providing**



1 an electronic voting system for voting by absentee ballot in the office
 2 of the circuit court clerk, ~~or the board of elections and registration, or~~
 3 **a satellite office established under section 26.3 of this chapter, by**
 4 **a voter with disabilities or any other qualified absentee voter who**
 5 **wishes to cast an absentee ballot on the electronic voting system.**

6 **(b) The county election board or board of elections and**
 7 **registration may adopt** a resolution ~~adopted~~ under this subsection
 8 ~~may also section to~~ authorize the circuit court clerk to use an electronic
 9 voting system for voting by voters eligible to cast an absentee ballot
 10 before an absentee board under section 25 of this chapter.

11 ~~(b)~~ A resolution adopted under this section must be adopted by the
 12 unanimous vote of the board's entire membership.

13 **(c) A resolution adopted A county providing absentee ballot**
 14 **voting** under this section must ~~provide~~ **adopt** procedures to do the
 15 following:

16 (1) Secure absentee votes cast on an electronic voting system that
 17 provide protection comparable to the protection provided to
 18 absentee votes cast by paper ballot.

19 (2) Compare the signature on an absentee ballot application with
 20 the applicant's signature on the applicant's voter registration
 21 application.

22 (3) Ensure that an invalid ballot (as determined under IC 3-11.5)
 23 is not counted.

24 (4) Specify how a spoiled absentee ballot is to be canceled in the
 25 direct record electronic voting system if a voter casts and returns
 26 a replacement absentee ballot.

27 (d) A resolution adopted under this section may contain other
 28 provisions to implement this section that the board considers useful and
 29 that are not contrary to Indiana or federal law.

30 (e) If a resolution is adopted under this section, the circuit court
 31 clerk may use as many electronic voting machines for recording
 32 absentee votes as the clerk considers necessary, subject to the
 33 resolution adopted by the board.

34 (f) Notwithstanding any other law, an absentee ballot voted on an
 35 electronic voting system under this section is not required to bear the
 36 seal, signature, and initials prescribed by section 27 of this chapter.

37 (g) If a resolution is adopted under this section, the procedure for
 38 casting an absentee ballot on an electronic voting system must, except
 39 as provided in this section, be substantially the same as the procedure
 40 for casting an absentee ballot in the office of the circuit court clerk
 41 under section 26 of this chapter.

42 SECTION 54. IC 3-11-10-29, AS AMENDED BY P.L.194-2013,



SECTION 64, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 29. (a) The envelope required by section 28 of this chapter must bear upon its face a printed affidavit containing the voter's affirmation under penalties of perjury that the following information is true:

The voter must indicate the voter's precinct and township (or ward and city or town) and indicate whether the voter is entitled to vote as a resident of the precinct or is entitled to vote under IC 3-10-11 or IC 3-10-12.

(b) The voter must sign and date the affidavit, and the absentee voter board **members each** must sign the affidavit, **and after December 31, 2014, print the member's name.**

(c) The absentee voter board must indicate on the affidavit if:

- (1) the board visited the voter in the manner authorized under section 25(b) of this chapter; and
- (2) the voter was a voter with disabilities who was unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope under section 24(b) of this chapter.

SECTION 55. IC 3-11-10-29.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 29.2. (a) This section applies to a voter casting an absentee ballot at:**

- (1) the location of the office of the circuit court clerk designated by the circuit court clerk under IC 3-11-10-26(a)(1);
- (2) the office of the board of elections and registration under IC 3-11-10-26(b)(1); or
- (3) a satellite office established under IC 3-11-10-26.3.

(b) When the hour for closing the location or office described in subsection (a) or the deadline for voting established by IC 3-11-10-26 occurs, a voter who is:

- (1) in the act of voting; or
- (2) in line to vote, as determined in subsection (c);

shall be permitted to vote, if otherwise qualified to vote according to law.

(c) At the time described in subsection (b), an individual designated by the circuit court clerk shall:

- (1) determine the end of the line of voters who are waiting to vote; and
- (2) use one (1) of the following methods to identify the voters in the line who may vote if otherwise qualified to vote according to law:



1 **(A) Write down the name of each voter.**

2 **(B) Stamp each voter's hand.**

3 **(C) Stand, or designate another individual to stand,**
 4 **immediately behind the last voter who may vote.**

5 SECTION 56. IC 3-11-11-5 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. Following the
 7 resolution of any challenge to a voter, as each successive voter calls for
 8 a ballot, the poll clerks or assistant poll clerks shall deliver to the voter
 9 the first initialed ballot. ~~of each type.~~ The inspector shall then deliver
 10 to the clerks another ballot, ~~of each type,~~ which the clerks shall initial
 11 as before. **The voter shall then sign the poll list.**

12 SECTION 57. IC 3-11-11-15 IS REPEALED [EFFECTIVE UPON
 13 PASSAGE]. ~~Sec. 15. After a voter's ballots have been deposited in the~~
 14 ~~ballot box, the poll clerks or assistant poll clerks shall make a voting~~
 15 ~~mark after the name of the voter on the poll list.~~

16 SECTION 58. IC 3-11-18.1-4, AS AMENDED BY P.L.258-2013,
 17 SECTION 81, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 18 UPON PASSAGE]: Sec. 4. The plan required by section 3 of this
 19 chapter must include at least the following:

- 20 (1) The total number of vote centers to be established.
- 21 (2) The location of each vote center.
- 22 (3) The effective date of the order.
- 23 (4) The following information according to the computerized list
 24 (as defined in IC 3-7-26.3-2) as of the date of the order:
 - 25 (A) The total number of voters within the county.
 - 26 (B) The number of active voters within the county.
 - 27 (C) The number of inactive voters within the county.
- 28 (5) For each vote center designated under subdivision (2), a list
 29 of the precincts whose polls will be located at the vote center
 30 consistent with section 13 of this chapter for an election that is not
 31 being held in each precinct of the county.
- 32 (6) For each vote center designated under subdivision (2), the
 33 number of precinct election boards that will be appointed to
 34 administer an election at the vote center.
- 35 (7) For each precinct election board designated under subdivision
 36 (6), the number and name of each precinct the precinct election
 37 board will administer consistent with section 13 of this chapter for
 38 an election that is not being held in each precinct of the county.
- 39 (8) For each vote center designated under subdivision (2), the
 40 number and title of the precinct election officers who will be
 41 appointed to serve at the vote center.
- 42 (9) For each vote center designated under subdivision (2):



- 1 (A) the number and type of ballot variations that will be
- 2 provided at the vote center; and
- 3 (B) whether these ballots will be:
- 4 (i) delivered to the vote center before the opening of the
- 5 polls; or
- 6 (ii) printed on demand for a voter's use.
- 7 (10) A detailed description of any hardware, firmware, or
- 8 software used:
- 9 (A) to create an electronic poll list for each precinct whose
- 10 polls are to be located at a vote center; or
- 11 (B) to establish a secure electronic connection between the
- 12 county election board and the precinct election officials
- 13 administering a vote center.
- 14 (11) A description of the equipment and procedures to be used to
- 15 ensure that information concerning a voter entered into any
- 16 electronic poll ~~list~~ **book** used by precinct election officers at a
- 17 vote center is immediately accessible to:
- 18 (A) the county election board; and
- 19 (B) the electronic poll ~~lists~~ **books** used by precinct election
- 20 officers at all other vote centers in the county.
- 21 (12) For each precinct designated under subdivision (5), the
- 22 number of electronic poll ~~lists~~ **books** to be provided for the
- 23 precinct.
- 24 (13) The security and contingency plans to be implemented by the
- 25 county to do all of the following:
- 26 (A) Prevent a disruption of the vote center process.
- 27 (B) Ensure that the election is properly conducted if a
- 28 disruption occurs.
- 29 (C) Prevent access to an electronic poll list without the
- 30 coordinated action of two (2) precinct election officers who are
- 31 not members of the same political party.
- 32 (14) A certification that the vote center complies with the
- 33 accessibility requirements applicable to polling places under
- 34 IC 3-11-8.
- 35 (15) A sketch depicting the planned layout of the vote center,
- 36 indicating the location of:
- 37 (A) equipment; and
- 38 (B) precinct election officers;
- 39 within the vote center.
- 40 (16) The total number and locations of satellite offices to be
- 41 established under IC 3-11-10-26.3 at vote center locations
- 42 designated under subdivision (2) to allow voters to cast absentee



ballots in accordance with IC 3-11. However, a plan must provide for at least one (1) vote center to be established as a satellite office under IC 3-11-10-26.3 on the two (2) Saturdays immediately preceding an election day.

(17) The method and timing of providing voter data to persons who are entitled to receive the data under this title. Data shall be provided to all persons entitled to the data without unreasonable delay.

(18) That the county election board shall adopt a resolution under IC 3-11.5-5-1 or IC 3-11.5-6-1 to make the central counting of absentee ballots applicable to the county (if the board has not already done so).

(19) For a plan adopted after July 1, 2014, in a county in which a majority of votes are cast on optical scan ballot cards, any additional procedures to provide for efficient and secure voting at each vote center, including ballot on demand printing.

SECTION 59. IC 3-11-18.1-5, AS ADDED BY P.L.1-2011, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. **(a) Except as provided in subsection (b),** a plan must provide a vote center for use by voters residing within the county for use in a primary election, general election, special election, municipal primary, or municipal election conducted on or after the effective date of the county election board's order.

(b) A plan may provide that a vote center will not be used in a municipal election conducted in 2015 and every four (4) years thereafter for some or all of the towns:

(1) located within the county; and

(2) having a population of less than three thousand five hundred (3,500).

SECTION 60. IC 3-11-18.1-12, AS AMENDED BY P.L.271-2013, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. **(a) Notwithstanding section 1 of this chapter, this section applies to an electronic poll book to be used in:**

(1) a precinct polling place, office of the circuit court clerk, or a satellite office in accordance with IC 3-7-29-6; or

(2) a vote center under this chapter.

(b) Notwithstanding any other law, the electronic poll list used at each vote center must:

(1) comply with IC 3-11-8-10.3; and

(2) be approved by the secretary of state in accordance with this section.



(b) (c) A person who wishes to market, sell, lease, or provide an electronic poll book for use in an election in Indiana must first file an application for certification with the election division on a form prescribed by the secretary of state.

(c) (d) The secretary of state shall refer the application to the person or entity conducting the voting system technical oversight program (VSTOP) established by IC 3-11-16-2.

(d) (e) The VSTOP shall examine the electronic poll book with its accompanying documentation and file a report with the secretary of state indicating:

(1) whether the electronic poll book would operate in compliance with this title;

(2) any recommendations regarding the acquisition or use of the electronic poll book; and

(3) whether VSTOP recommends that the secretary of state approve the electronic poll book under this section, including any recommended restrictions that should be placed on the secretary of state's approval.

(e) (f) After the report required by subsection (d) (e) is filed, the secretary of state may approve the application for certification permitting the electronic poll book to be used in an election in Indiana.

(f) (g) A certification under this section expires on December 31 of the year following the date of its issuance, unless earlier revoked by the secretary of state upon a written finding of good cause for the revocation.

SECTION 61. IC 3-11.5-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) If a county election board unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope, together with the voter's application for the absentee ballot, in a large or carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and applications.**

(b) The envelope shall be securely sealed and endorsed with the name and official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only on election day under IC 3-11.5."

SECTION 62. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. Subject to **IC 3-10-8-7.5, IC 3-12-1-17, and** section 7 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after noon on election day are



1 considered as arriving too late and may not be counted.

2 SECTION 63. IC 3-11.5-4-15, AS AMENDED BY P.L.271-2013,
3 SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 15. (a) Except as provided in subsection (c),
5 the vote of an absentee voter may be challenged at the polls for the
6 reason that the absentee voter is not a legal voter of the precinct where
7 the ballot is being cast.

8 (b) Before the inspector prepares to mark the poll list to indicate that
9 an absentee ballot cast by the voter has been received by the county
10 election board according to a certificate delivered to the polls under
11 section 1 or section 8 of this chapter, the inspector shall notify the
12 challengers and the pollbook holders that the inspector is about to mark
13 the poll list under this section. The inspector shall provide the
14 challengers and pollbook holders with the name and address of each
15 voter listed in the certificate so that the voter may be challenged under
16 this article.

17 (c) This section applies to a county that:

18 (1) has adopted an order to use an electronic poll list under
19 IC 3-7-29-6; or

20 (2) is a vote center county under IC 3-11-18.1.

21 The vote of an absentee ballot may be challenged for the reason that the
22 absentee voter is not a legal voter of the precinct for which the absentee
23 ballot was issued. Before the absentee ballot counters process an
24 absentee ballot, the absentee ballot counters shall notify the county
25 election board. A county election board member, or a representative
26 designated by a county election board member, may **protest the**
27 **counting of an absentee ballot under IC 3-11.5-5-8 or IC 3-11.5-6-6.**
28 **challenge the absentee ballot under section 16 of this chapter.**

29 (d) The challenge under this section must be determined using the
30 procedures for counting a provisional ballot under IC 3-11.7.

31 SECTION 64. IC 3-11.5-7-1 IS AMENDED TO READ AS
32 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. (a) Absentee
33 ballot counters shall conduct the activities conducted by precinct
34 election officials **in submitting returns to the county election board**
35 **under IC 3-12-4.**

36 (b) The returns of absentee ballot counters shall be treated the same
37 as the returns of a precinct election board under IC 3-12-4.

38 SECTION 65. IC 3-11.7-5-2.7 IS ADDED TO THE INDIANA
39 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
40 [EFFECTIVE UPON PASSAGE]: **Sec. 2.7. During the county**
41 **election board's consideration of the validity of a provisional**
42 **ballot, the board shall not publicly identify the individual who cast**



1 **the ballot by name or any identifying number, but shall refer to the**
 2 **ballot in terms sufficient to preserve the record regarding the**
 3 **board's determination regarding the validity of the provisional**
 4 **ballot.**

5 SECTION 66. IC 3-11.7-6-3, AS AMENDED BY P.L.141-2011,
 6 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2014]: Sec. 3. (a) As required by 42 U.S.C. 15482, a county
 8 election board shall establish a free access system such as a toll-free
 9 telephone number or an Internet web site that enables a provisional
 10 voter to determine:

- 11 (1) whether the individual's provisional ballot was counted; and
- 12 (2) if the provisional ballot was not counted, the reason the
- 13 provisional ballot was not counted.

14 **(b) After December 31, 2014, the county election board shall**
 15 **enter the following into the computerized list:**

- 16 **(1) The name of the individual.**
- 17 **(2) The address of the individual.**
- 18 **(3) Whether the individual's provisional ballot was counted.**
- 19 **(4) If the individual's provisional ballot was not counted, the**
 20 **reason the provisional ballot was not counted.**

21 ~~(b)~~ (c) As required by 42 U.S.C. 15482, the county election board
 22 shall establish and maintain reasonable procedures to protect the
 23 security, confidentiality, and integrity of personal information
 24 collected, stored, or otherwise used on the free access system
 25 established by the board under subsection (a).

26 ~~(c)~~ (d) As required by 42 U.S.C. 15482, the county election board
 27 shall restrict access to the free access system established under
 28 subsection (a) to the individual voter who cast the provisional ballot.
 29 This subsection does not restrict access to election materials available
 30 under IC 3-10-1-31.1.

31 ~~(d)~~ (e) The county election board shall prescribe written instructions
 32 to inform a provisional voter how the provisional voter can determine
 33 whether the provisional voter's ballot has been counted.

34 SECTION 67. IC 3-12-1-1 IS AMENDED TO READ AS
 35 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 1. Subject to sections
 36 5, 6, 7, 8, 9, 9.5, and 13 of this chapter, the primary factor to be
 37 considered in determining a voter's choice on a ballot is the intent of
 38 the voter. If the voter's intent can be determined on the ballot or on part
 39 of the ballot, the vote shall be counted for the affected candidate or
 40 candidates or on the public question. However, if it is impossible to
 41 determine a voter's choice of candidates on a part of a ballot or vote on
 42 a public question, then the voter's vote concerning those candidates or



public questions may not be counted.

SECTION 68. IC 3-12-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) This section applies only to absentee ballots.

(b) The whole ballot may not be counted unless the ballot is endorsed with the initials of:

(1) the two (2) members of the absentee voter board ~~in the office of the circuit court clerk~~ under IC 3-11-4-19, **or IC 3-11-10-25, IC 3-11-10-26, IC 3-11-10-26.3, or IC 3-11-18.1-11;** or

(2) the two (2) appointed members of the county election board (or their designated representatives) under IC 3-11-4-19.

SECTION 69. IC 3-12-1-17, AS ADDED BY P.L.164-2006, SECTION 125, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 17. (a) This section applies only to an absentee ballot sent by mail.

(b) Notwithstanding IC 3-11-10-14 and IC 3-11.5-4-10, an absentee ballot received from an overseas voter is not considered as arriving too late if both of the following apply:

(1) The absentee ballot envelope is postmarked not later than the date of the election.

(2) The absentee ballot is received not later than ~~the deadline for counting provisional ballots under IC 3-11.7-5-1:~~ **noon ten (10) days following the election.**

(c) If the postmark on the absentee ballot envelope is unclear, the county election board, by unanimous vote of the entire membership of the board, determines the postmark date. If the board is unable to determine the postmark date, the absentee ballot may not be counted.

SECTION 70. IC 3-12-3.5-8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 8. After each electronic voting system is secured and the paper vote total printouts are obtained, the inspector shall announce the total number of votes cast on all electronic voting systems located within the polling place, plus any absentee ballots cast, to determine whether the total number of votes cast on the electronic voting systems agrees with the total number of voters shown as receiving a ballot at the polls or returning an absentee ballot, according to the poll lists. If the total number of ballots received at the polls and returned as absentee ballots does not agree with the total number of voters shown on the poll lists, this fact must be reported in writing to the appropriate election officer together with the reasons for the discrepancy, if known.**

SECTION 71. IC 3-13-1-20.5 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE UPON PASSAGE]: **Sec. 20.5. (a) This section applies to a political party subject to IC 3-8-4-10, IC 3-10-2-15, or IC 3-10-6-12.**

(b) All questions concerning the validity of a certificate of candidate selection filed under section 20 of this chapter with the election division shall be determined by the commission. A statement questioning the validity of a certificate of candidate selection must be filed with the election division under IC 3-8-1-2(c) not later than noon seventy-four (74) days before the date on which the general election will be held for the office.

(c) All questions concerning the validity of a certificate of candidate selection filed under section 20 of this chapter with a circuit court clerk shall be referred to and determined by the county election board. A statement questioning the validity of a certificate of candidate selection must be filed with the county election board under IC 3-8-1-2(c) not later than noon seventy-four (74) days before the date on which the general or municipal election will be held for the office.

(d) The commission or a county election board shall act upon a question concerning the validity of a certificate of candidate selection not later than noon sixty (60) days before the date on which the general or municipal election will be held for the office.

SECTION 72. IC 6-8.1-3-19 IS REPEALED [EFFECTIVE JULY 1, 2014]. ~~Sec. 19: The department shall print and include a voter registration form designed by the Indiana election commission under IC 3-7-23 in each state adjusted gross income tax booklet that is mailed to a taxpayer using a preprinted mailing label with an Indiana address.~~

SECTION 73. IC 9-24-2.5-6, AS AMENDED BY P.L.225-2011, SECTION 88, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: **Sec. 6. (a) A manager or an employee may use any of the following methods to transmit paper copies of voter registration applications under section 4 of this chapter:**

- (1) Hand delivery to the county voter registration office.**
- (2) Delivery by the United States Postal Service, using first class mail.**

(b) A county voter registration office:

- (1) shall process a voter registration application transmitted in electronic format from a license branch; and**
- (2) is not required to receive the paper copy of a voter registration application from a license branch before:**

(A) approving or denying the application; and



(B) mailing a notice of approval or denial to the applicant.

(c) After January 1, 2015, a county voter registration office shall scan an image of the paper copy of the registration application form into the computerized list established under IC 3-7-26.3.

SECTION 74. IC 12-15-1.5-4, AS AMENDED BY P.L.258-2013, SECTION 89, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 4. (a) This section does not apply to a voter registration application or declination to register accepted at a county office during the final five (5) days before the end of a registration period under IC 3-7-13.

(b) As required under 42 U.S.C. 1973gg-5(d)(1), the county director or designated office employee shall transmit a completed voter registration application:

(1) to the ~~circuit court clerk or board of registration of the county~~ **voter registration office** in which the individual's residential address (as indicated on the application) is located; and

(2) not later than ~~ten (10)~~ **five (5)** days after the application is accepted at the office.

(c) The county director or designated employee shall transmit the voter registration application (or a separate declination form) on which the individual declined to register to vote by specifically declining to register or by failing to complete the voter registration portion of the application.

(d) The declination must be transmitted:

(1) to the ~~circuit court clerk or board of registration of the county~~ **voter registration office** in which the individual's residential address (as indicated on the application) is located; and

(2) not later than ~~ten (10)~~ **five (5)** days after the application is accepted at the office.

SECTION 75. An emergency is declared for this act.



COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred Senate Bill No. 385, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Replace the effective date in SECTION 23 with "[EFFECTIVE UPON PASSAGE]".

and when so amended that said bill do pass.

(Reference is to SB 385 as introduced.)

ZAKAS, Chairperson

Committee Vote: Yeas 6, Nays 2.

SENATE MOTION

Madam President: I move that Senate Bill 385 be amended to read as follows:

Page 9, between lines 36 and 37, begin a new line block indented and insert:

"(13) A county voter registration officer acting in accordance with IC 3-7."

Page 15, line 20, delete "cancelled" and insert "**canceled**".

Page 18, line 6, after "voters" insert "**at the expiration of the period ending**".

Page 19, delete lines 22 through 23, begin a new line block indented and insert:

"(2) The day after the second general election in which the voter has not voted or appeared to vote."

Page 19, line 24, delete "date" and insert "**day**".

Page 19, line 26, delete "at the expiration of the period ending" and insert "**not later than**".

Page 25, line 22, strike "may" and insert "**shall**".

Page 25, line 22, delete "." and insert ", **inspect the poll lists, and update the registration records of the county.**".

Page 25, line 22, strike "For the".

Page 25, strike lines 23 through 33.

Page 25, line 34, strike "the registration record of the county".

Page 33, delete lines 1 through 35.

Page 44, delete lines 32 through 42.

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Page 45, delete lines 1 through 27.

Page 51, line 26, delete "(a)".

Page 51, delete lines 28 through 32.

Page 51, line 33, delete "provisional".

Page 51, run in lines 27 through 33.

Renumber all SECTIONS consecutively.

(Reference is to SB 385 as printed January 28, 2014.)

MILLER PETE

